

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Sep 23, 2024**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

KEVIN K.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:23-cv-00148-RHW

**ORDER ADOPTING REPORT  
AND RECOMMENDATION TO  
GRANT PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT  
AND DENY DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

**ECF Nos. 13, 15, 18**

Before the Court is the Report and Recommendation issued by Magistrate Judge Alexander C. Ekstrom, ECF No. 18, recommending Plaintiff's Motion for Summary Judgment, ECF No. 13, be granted and Defendant's Motion for Summary Judgment, ECF No. 15, be denied. No objections were filed. After reviewing the Report and Recommendation, the Court finds the Magistrate Judge's findings are correct. Therefore, the Court adopts the Report and Recommendation in its entirety.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Accordingly, **IT IS ORDERED:**

2 1. The Report and Recommendation, **ECF No. 18**, is **ADOPTED** in its  
3 entirety.

4 2. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **GRANTED**.  
5 The Commissioner's decision is **REVERSED** and this matter is **REMANDED** for  
6 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

7 3. Defendant's Motion for Summary Judgment, **ECF No. 15**, is **DENIED**.

8 4. Upon proper presentation, the Court will consider Plaintiff's application  
9 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

10 The District Court Executive is directed to enter this Order, **ENTER**  
11 **JUDGMENT** in favor of Plaintiff, forward copies to counsel and Magistrate Judge  
12 Ekstrom, and **CLOSE THE FILE**.

13 DATED September 23, 2024.

14 s/Robert H. Whaley  
15 ROBERT H. WHALEY  
16 Senior United States District Judge  
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